

August 29, 2012

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on August 29, 2012, 10:00 a.m. Present were Commissioners Kalk, Cramer, and Fetch.

Minutes

Mr. Cramer: I move the minutes of August 1, 13, 2012 be approved.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-75
Basin Electric Power Cooperative, Inc.
Electric Generation/Wind –
Ward County
Siting Application

Mr. Cramer: I move the Commission approve the Tree and Shrub Replacement Plan filed in Case No. PU-08-75, Basin Electric Power Cooperative, Inc.'s 115.5 MW PrairieWinds project in Ward County, North Dakota.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-65
Qwest Corporation
Fargo Rate Center
Numbering Resources

Mr. Cramer: I move the Commission adopt the Order Granting Trade Secret Protection as requested by Qwest Corporation, Case No. PU-11-65.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-162
Allete, Inc.
Bison 3 Wind Project –
Oliver - Morton Counties
Siting Application

Mr. Cramer: I move the Commission approve the Tree and Shrub Mitigation Plan for the Bison III Wind Project filed in Case No. PU-11-162 by Minnesota Power, an operating division of ALLETE, Inc.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-12-31
Shores Companies, Inc.
Damage Prevention Enforcement

Mr. Cramer: I move the Commission appoint Mark Gruman and Christopher Marohl as advocacy staff in the Public Service Commission's Damage Prevention Enforcement, Case No. GS-12-31.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-162
Public Utilities
Rulemaking

Mr. Cramer: I move the Commission adopt the Order Submitting Rules to Attorney General in Case No. PU-12-162, Public Utilities Rulemaking, Case No. PU-12-165, Siting Rulemaking, and Case No. RC-12-166, Reclamation Rulemaking, for an opinion as to legality.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-165
Siting
Rulemaking

Case No. RC-12-166
Reclamation
Rulemaking

Case No. PU-12-237
Minnesota Independent Equal Access
Corporation
Switched Access
Price Schedule

Mr. Cramer: I move the Commission adopt the Order Granting Trade Secret Protection as requested by Minnesota Independent Equal Access Corporation, Case No. PU-12-237.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Blaster Re-Certification
Approval

Mr. Cramer: I move the Commission approve blaster re-certification for the following applicants:

Applicant	Affiliation	Certificate No.
Geigle, Randy	Freedom	09-08-318-R(1)
Mitchell, Roy J.	Freedom	09-08-314-R(1)
Pavlicek, Don T	Freedom	09-08-319-R(1)
Reinholt, Leland L.	Freedom	85-08-029-R(7)
Schell, Douglas J.	Freedom	06-08-285-R(2)
Spiekermeier, Joe	Freedom	06-11-288-R(2)

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-630
Plains Pipeline, L.P.
Crude Oil Pipeline - Williams County
Siting Application

Mr. Cramer: I move the Commission acknowledge the August 7, 2012 staff approval of a route deviation requested on July 23, 2012 by Plains Pipeline, L.P. for the construction of a 32.1 mile, 12.75 inch outside diameter, crude oil pipeline in Williams County of North Dakota, Case No. PU-10-630.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-40
Plains Pipeline, L.P.
Nelson to Ross Pipeline –
Mountrail County
Siting Application

Mr. Cramer: I move the Commission acknowledge the August 8, 2012 staff approval of a route deviation requested on July 31, 2012, the August 14, 2012 staff approval of a route deviation requested on August 8, 2012, and the August 22, 2012 staff approval to continue work near a damaged abandoned pipeline requested on August 3, 2012 by Plains Pipeline, L.P. for the construction of a 17.2 mile, 10.75 inch outside diameter, crude oil pipeline in Mountrail County of North Dakota, Case No. PU-12-40.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-457
Tesoro High Plains Pipeline
Company, LLC
2012
Ten Year Plan

Mr. Cramer: I move the Commission adopt the Order Granting Trade Secret Protection as requested by Tesoro High Plains Pipeline LLC, Case No. PU-12-457.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-350
Montana-Dakota Utilities Co.,
a Division of MDU
PP&J LLC- Williams County
Public Convenience & Necessity

Mr. Cramer: I move the Commission issue a Notice of Opportunity for Hearing in the application of Montana-Dakota Utilities Co. to extend electric service to PP&J LLC at a location in Williams County, North Dakota, Case No. PU-12-350.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-484
Montana-Dakota Utilities Co.,
a Division of MDU
Mark Rohrich- McIntosh County
Public Convenience & Necessity

Mr. Cramer: I move the Commission issue a Notice of Opportunity for Hearing in the application of Montana-Dakota Utilities Co. to extend electric service to Mark Rohrich at a location in McIntosh County, North Dakota, Case No. PU-12-484.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-516
Otter Tail Power Company
Paul Trom - Richland County
Public Convenience & Necessity

Mr. Cramer: I move the Commission issue a Notice of Opportunity for Hearing in the application of Otter Tail Power Company to extend electric service to Paul Trom at a location in Richland County, North Dakota, Case No. PU-12-516.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-548
Montana-Dakota Utilities Co.,
a Division of MDU
Knife River- McKenzie County
Public Convenience & Necessity

Mr. Cramer: I move the Commission issue a Notice of Opportunity for Hearing in the application of Montana-Dakota Utilities Co. to extend electric service to Knife River at a location in McKenzie County, North Dakota, Case No. PU-12-548.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-661
Otter Tail Power Company
Jeff Ebel - Wells County
Public Convenience & Necessity

Mr. Cramer: I move the Commission issue a Notice of Opportunity for Hearing in the application of Otter Tail Power Company to extend electric service to Jeff Ebel at a location in Wells County, North Dakota, Case No. PU-12-661.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-12-689
Pius Hager, Jr.
Auctioneer License
Cancellation

Mr. Cramer: I move the Commission issue an order in Case No. AU-12-689 cancelling auctioneer license number 230 issued to Pius Hager, Jr., Braddock, North Dakota.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-12-690
Steven D Johnson
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Steven D Johnson, Fargo, North Dakota, effective August 31, 2012.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-662
Allete Clean Energy, Inc.
100 MW Clean Energy #1 Wind Pjc -
Mercer & Morton
Siting Application

Mr. Kalk: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing Certificate of Site Compatibility No. 30 to ALLETE Clean Energy, Inc. authorizing construction of its 100 MW Clean Energy #1 Wind Project in Mercer and Morton Counties of North Dakota, Case No. PU-11-662.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-12-31
Shores Companies, Inc.
Damage Prevention Enforcement

Mr. Kalk: I move the Commission find the August 23, 2012 Complaint filed by the North Dakota Public Service Commission Advocacy Staff states a prima facie case and serve the complaint on the Respondent, Shores Companies, Inc., in Case No. GS-12-31.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-11-76
Coteau Properties Company
Bond Release 4, Permit NACT-9101
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 4 for Surface Coal Mining Permit No. NACT-9101, held by the Coteau Properties Company for the Freedom Mine, to release all reclamation liabilities on 448.6 acres of land located in Section 21, T145N, R86W, Mercer County. The release will become effective October 1, 2012, unless a formal hearing is requested.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-11-599
Coteau Properties Company
Bond Release 5, Permit NACT-9101
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 5 for Surface Coal Mining Permit No. NACT-9101, held by the Coteau Properties Company for the Freedom Mine, to release all reclamation liabilities on 1,000.951 acres of land located in portions of Sections 16, 17 and 18, T145N, R86W, Mercer County. The release will become effective October 1, 2012, unless a formal hearing is requested.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-656
ONEOK Rockies Midstream, L.L.C.
Garden Creek II Plant –
McKenzie County, ND
Siting Application

Mr. Cramer: I move the Commission acknowledge the Letter of Intent, shorten the one-year waiting period between filing a letter of intent and a siting application to 30 days, and assess a filing fee of \$80,000 due upon filing an application in Case No. PU-12-656, ONEOK Rockies Midstream, L.L.C.'s proposed 100 million cubic feet per day gas processing plant known as the Garden Creek II Plant in McKenzie County, North Dakota, Case No. PU-12-656.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-12-691
CHS, Inc.
Facility-Based Grain Buyer -
Starkweather
Discontinue Business

Ms. Fetch: I move the Commission adopt an order in Case No. GE-12-691 cancelling facility-based grain buyer license number 2089 issued to CHS, Inc., St. Paul, Minnesota, at the Starkweather, North Dakota location and ordering that business at Starkweather, North Dakota is discontinued effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-697
Midcontinent Communications /
Missouri Valley Comm
Interconnection Arbitration
Application

Mr. Cramer: I move the Commission bill Midcontinent Communications and Missouri Valley Communications, Inc. for costs incurred to date in Case No. PU-11-697, Midcontinent Communications/ Missouri Valley Communications, Inc., Interconnection Arbitration, Application, Case No. PU-11-697.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-62
Dakota Central Telecom I, Inc.
Switched Access
Price Schedule

Mr. Cramer: I move the Commission bill Dakota Central Telecom I, Inc., Dakota Central Telecommunications Cooperative, and BEK Communications Cooperative for costs incurred to date in Case Nos. PU-12-62, PU-12-63, and PU-12-104.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-63
Dakota Central Telecommunications
Cooperative
Switched Access
Price Schedule

Case No. PU-12-104
BEK Communications Cooperative
Switched Access
Price Schedule

Case No. PU-12-73
Dickey Rural Telephone Cooperative
Designated Eligible Carrier
Application

Mr. Cramer: I move the Commission bill Dickey Rural Telephone Cooperative for costs incurred to date in Case Nos. PU-12-73 and PU-12-74.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-74
Dickey Rural Telephone Cooperative
Local Exchange
Public Convenience & Necessity

Case No. PU-12-160
BEK Communications Cooperative
Switched Access
Price Schedule

Mr. Cramer: I move the Commission bill BEK Communications Cooperative, Consolidated Telcom, Dakota Central Telecommunications Cooperative, Dakota Central Telecom I, Inc., Dickey Rural Telephone Cooperative, Dickey Rural Communications, Inc., Griggs County Telephone Co., Inter-Community Telephone Company, L.L.C., Missouri Valley Communicaitons, Inc., Moore and Liberty Telephone Company, Nemont Telephone Cooperative, Inc., North Dakota Telephone Company, Northwest Communications Cooperative, Polar Communications Mutual Aid Corporation, Red River Rural Telephone Association, Reservation Telephone Cooperative, Turtle Mountain Telephone Company, United Telephone Mutual Aid Corporation, West River Telecommunications Cooperative, Wolverton Telephone Company, Dickey Rural Access, Inc. for costs incurred to date in Case Nos. PU-12-160, PU-12-199, PU-12-200, PU-12-201, PU-12-202, PU-12-203, PU-12-204, PU-12-205, PU-12-206, PU-12-207, PU-12-208, PU-12-209, PU-12-210, PU-12-211, PU-12-212, PU-12-213, PU-12-214, PU-12-215, PU-12-216, PU-12-217 and PU-12-233.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-199
Consolidated Telcom
Switched Access
Price Schedule

Case No. PU-12-200
Dakota Central Telecommunications
Cooperative
Switched Access
Price Schedule

Case No. PU-12-201
Dakota Central Telecom I, Inc.
Switched Access
Price Schedule

Case No. PU-12-202
Dickey Rural Telephone Cooperative
Switched Access
Price Schedule

Case No. PU-12-203
Dickey Rural Communications, Inc.
Switched Access
Price Schedule

Case No. PU-12-204
Griggs County Telephone Co.
Switched Access
Price Schedule

Case No. PU-12-205
Inter-Community Telephone Company,
L.L.C.
Switched Access
Price Schedule

Motion Continued

Case No. PU-12-206
Missouri Valley Communications, Inc.
Switched Access
Price Schedule

Case No. PU-12-207
Moore and Liberty Telephone
Company
Switched Access
Price Schedule

Case No. PU-12-208
Nemont Telephone Cooperative, Inc.
Switched Access
Price Schedule

Case No. PU-12-209
North Dakota Telephone Company
Switched Access
Price Schedule

Case No. PU-12-210
Northwest Communications
Cooperative, a Cooperativ
Switched Access
Price Schedule

Case No. PU-12-211
Polar Communications Mutual Aid
Corporation
Switched Access
Price Schedule

Case No. PU-12-212
Red River Rural Telephone Association
Switched Access
Price Schedule

Case No. PU-12-213
Reservation Telephone Cooperative
Switched Access
Price Schedule

Case No. PU-12-214
Turtle Mountain Telephone Company
Switched Access
Price Schedule

Motion Continued

Case No. PU-12-215
United Telephone Mutual Aid
Corporation
Switched Access
Price Schedule

Case No. PU-12-216
West River Telecommunications
Cooperative
Switched Access
Price Schedule

Case No. PU-12-217
Wolverton Telephone Company
Switched Access
Price Schedule

Case No. PU-12-233
Dickey Rural Access, Inc.
Switched Access
Price Schedule

Case No. PU-12-171
Turtle Mountain Communications, Inc.
Switched Access
Price Schedule

Case No. PU-12-172
North Dakota Telephone Company
Switched Access
Price Schedule

Case No. PU-12-173
Red River Rural Telephone Association
Switched Access
Price Schedule

Case No. PU-12-174
United Telephone Mutual Aid
Corporation
Switched Access
Price Schedule

Mr. Cramer: I move the Commission bill Turtle Mountain Communications, Inc., North Dakota Telephone Company, Red River Rural Telephone Association, United Telephone Mutual Aid Corporation, Inter-Community Telephone Company, L.L.C., Moore and Liberty Telephone Company, Griggs County Telephone Co., West River Telecommunications Cooperative, Consolidated Telcom, Dickey Rural Telephone Cooperative, Dickey Rural Communications, Inc., and Polar Communications Mutual Aid Corporation for costs incurred to date in Case Nos. PU-12-171, PU-12-172, PU-12-173, PU-12-174, PU-12-175, PU-12-176, PU-12-177, PU-12-178, PU-12-179, PU-12-182, PU-12-183 and PU-12-184.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-175
Inter-Community Telephone Company,
L.L.C.
Switched Access
Price Schedule

Motion Continued

Case No. PU-12-176
Moore and Liberty Telephone
Company
Switched Access
Price Schedule

Case No. PU-12-177
Griggs County Telephone Co.
Switched Access
Price Schedule

Case No. PU-12-178
West River Telecommunications
Cooperative
Switched Access
Price Schedule

Case No. PU-12-179
Consolidated Telcom
Switched Access
Price Schedule

Case No. PU-12-182
Dickey Rural Telephone Cooperative
Switched Access
Price Schedule

Case No. PU-12-183
Dickey Rural Communications, Inc.
Switched Access
Price Schedule

Case No. PU-12-184
Polar Communications Mutual Aid
Corporation
Switched Access
Price Schedule

New Hire - Weights and Measures
Inspector

Mr. Cramer: I move the Commission acknowledge the offer to and acceptance of Kyle W. Erickson to fill Position No. 5006, Weights and Measures Inspector, effective August 15, 2012, under the terms specified in the July 26, 2012 written offer of employment.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

New Hire - AML Seasonal Construction
Inspector

Mr. Cramer: I move the Commission offer Thomas Vigesaa seasonal part-time employment as Construction Inspector for the AML Division for a period of employment starting on or after September 4, 2012, and ending no later than November 16, 2012, at a salary of \$16.50 per hour plus time and a half for hours in excess of the standard 40 hour work week.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:47 A.M.

Executive Secretary

BRIAN P. KALK, CHAIRMAN